

BEFORE THE
CALIFORNIA BOARD OF ACCOUNTANCY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No.: AC-2007-39

TROY RANDALL BARNETT
30212 TOMAS, SUITE 200
RANCHO SANTA MARGARITA, CA 92688

Certified Public Accountant Certificate No. 50152

Respondent.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the California Board of Accountancy of the Department of Consumer Affairs, as its Decision in the above-entitled matter.

This Decision shall become effective on April 28, 2008.

It is so ORDERED on March 28, 2008.



FOR THE CALIFORNIA BOARD OF ACCOUNTANCY
DEPARTMENT OF CONSUMER AFFAIRS

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 JAMES M. LEDAKIS
Supervising Deputy Attorney General
3 DIANE DE KERVOR, State Bar No. 174721
Deputy Attorney General
4 110 West "A" Street, Suite 1100
San Diego, CA 92101

5 P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2611
7 Facsimile: (619) 645-2061

8 Attorneys for Complainant

9 **BEFORE THE**
10 **CALIFORNIA BOARD OF ACCOUNTANCY**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

13 TROY RANDALL BARNETT
22411 Peartree Lane
14 Mission Viejo, CA 92692

15 Certified Public Accountant No. CPA 78116

16 Respondent.

Case No. AC-2007-39

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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18 In the interest of a prompt and speedy settlement of this matter, consistent with the public
19 interest and the responsibility of the California Board of Accountancy of the Department of
20 Consumer Affairs, the parties hereby agree to the following Stipulated Settlement and
21 Disciplinary Order which will be submitted to the Board for approval and adoption as the final
22 disposition of the Accusation.

23 **PARTIES**

24 1. Carol Sigmann (Complainant) is the Executive Officer of the California
25 Board of Accountancy. She brought this action solely in her official capacity and is represented
26 in this matter by Edmund G. Brown Jr., Attorney General of the State of California, by Diane de
27 Kervor, Deputy Attorney General.

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2. Respondent Troy Randall Barnett (Respondent) is represented in this proceeding by attorney Michael J. Fitzgerald of BARNES CROSBY FITZGERALD & ZEMAN, L.L.P., whose address is 18101 Von Karmen Avenue, Ste. 120, Irvine, CA 92612 and his telephone number is (949) 852-1100.

3. On or about October 14, 1999, the California Board of Accountancy issued Certified Public Accountant Certificate Number 78116 to Respondent. The Certified Public Accountant Certificate expired and Respondent did not have practice rights during the period November 1, 2002 through September 24, 2003 due to continuing education deficiencies. The certificate was renewed September 25, 2003 and will expire on October 31, 2008, unless renewed again.

JURISDICTION

4. Accusation No. AC-2007-39 was filed before the California Board of Accountancy (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on September 27, 2007. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. AC-2007-39 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. AC-2007-39. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the

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1 production of documents; the right to reconsideration and court review of an adverse decision;
2 and all other rights accorded by the California Administrative Procedure Act and other applicable
3 laws.

4 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
5 each and every right set forth above.

6 **CULPABILITY**

7 8. Respondent admits the truth of each and every charge and allegation
8 referenced in paragraphs 23-26 in Accusation No. AC-2007-39.

9 9. Respondent agrees that his Certified Public Accountant is subject to
10 discipline and he agrees to be bound by the California Board of Accountancy (Board's)
11 imposition of discipline as set forth in the Disciplinary Order below.

12 **RESERVATION**

13 10. The admissions made by Respondent herein are only for the purposes of
14 this proceeding, or any other proceedings in which the Board of Accountancy or other
15 professional licensing agency is involved, and shall not be admissible in any other criminal or
16 civil proceeding.

17 **CONTINGENCY**

18 11. This stipulation shall be subject to approval by the California Board of
19 Accountancy. Respondent understands and agrees that counsel for Complainant and the staff of
20 the California Board of Accountancy may communicate directly with the Board regarding this
21 stipulation and settlement, without notice to or participation by Respondent or his counsel. By
22 signing the stipulation, Respondent understands and agrees that he may not withdraw his
23 agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon
24 it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement
25 and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be
26 inadmissible in any legal action between the parties, and the Board shall not be disqualified from
27 further action by having considered this matter.

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12. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Certified Public Accountant Certificate No. CPA 78116 issued to Respondent is revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions.

1. **Actual Suspension.** Certified Public Accountant Certificate No. 78116 issued to Troy Randall Barnett is suspended for 30 days. During the period of suspension the Respondent shall engage in no activities for which certification as a Certified Public Accountant or Public Accountant is required as described in Business and Professions Code, Division 3, Chapter 1, Section 5051.

2. **Obey All Laws.** Respondent shall obey all federal, California, other states' and local laws, including those rules relating to the practice of public accountancy in California.

3. **Submit Written Reports.** Respondent shall submit, within ten (10) days of completion of the quarter, written reports to the Board on a form obtained from the Board. The Respondent shall submit, under penalty of perjury, such other written reports, declarations, and verification of actions as are required. These declarations shall contain statements relative to Respondent's compliance with all the terms and conditions of probation. Respondent shall immediately execute all release of information forms as may be required by the Board or its representatives.

4. **Personal Appearances.** Respondent shall, during the period of probation, appear in person at interviews/meetings as directed by the Board or its designated representatives, provided such notification is accomplished in a timely manner.

1 5. **Comply With Probation.** Respondent shall fully comply with the terms
2 and conditions of the probation imposed by the Board and shall cooperate fully with
3 representatives of the Board of Accountancy in its monitoring and investigation of the
4 Respondent's compliance with probation terms and conditions.

5 6. **Practice Investigation.** Respondent shall be subject to, and shall permit,
6 practice investigation of the Respondent's professional practice. Such a practice investigation
7 shall be conducted by representatives of the Board, provided notification of such review is
8 accomplished in a timely manner.

9 7. **Comply With Citations.** Respondent shall comply with all final orders
10 resulting from citations issued by the Board of Accountancy.

11 8. **Tolling of Probation For Out-of-State Residence/Practice.** In the event
12 Respondent should leave California to reside or practice outside this state, Respondent must
13 notify the Board in writing of the dates of departure and return. Periods of non-California
14 residency or practice outside the state shall not apply to reduction of the probationary period, or
15 of any suspension. No obligation imposed herein, including requirements to file written reports,
16 reimburse the Board costs, or make restitution to consumers, shall be suspended or otherwise
17 affected by such periods of out-of-state residency or practice except at the written direction of the
18 Board.

19 9. **Violation of Probation.** If Respondent violates probation in any respect,
20 the Board, after giving Respondent notice and an opportunity to be heard, may revoke probation
21 and carry out the disciplinary order that was stayed. If an accusation or a petition to revoke
22 probation is filed against Respondent during probation, the Board shall have continuing
23 jurisdiction until the matter is final, and the period of probation shall be extended until the matter
24 is final.

25 10. **Completion of Probation.** Upon successful completion of probation,
26 Respondent's license will be fully restored.

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1 11. **Ethics Course/Examination.** Respondent shall take and pass with a score
2 of 90 percent or better a Board approved ethics examination during the period of suspension and
3 prior to the resumption of practice.

4 If Respondent fails to pass said examination within the time period provided,
5 Respondent shall so notify the Board and the period of suspension will be extended until
6 Respondent takes and successfully passes said exam, has submitted proof of same to the Board,
7 and has been notified by the Board that he may resume practice. Failure to pass the required
8 examination no later than 100 days prior to the termination of probation shall constitute a
9 violation of probation.

10 Notwithstanding any other provision of this probation, failure to take and pass this
11 examination within five years of the effective date of this order constitutes a separate cause for
12 discipline of Respondent's license.

13 12. **Administrative Penalty.** Respondent shall pay to the Board an
14 administrative penalty in the amount of \$20,000.00. The payment shall be made in quarterly
15 payments (due with quarterly written reports) in the first year of probation.

16 13. **Cost Reimbursement.** Respondent shall reimburse the Board \$15,122.04
17 for its investigation and prosecution costs. The payment shall be made in quarterly payments (due
18 with quarterly written reports), the final payment being due one year before probation is
19 scheduled to terminate.

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ACCEPTANCE

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DATED: 2/13/08

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TROY RANDALL BARNETT
Respondent

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I have read and fully discussed with Respondent Troy Randall Barnett the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: _____


MICHAEL FITZGERALD
Attorney for RespondentENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the California Board of Accountancy of the Department of Consumer Affairs.

DATED: _____

EDMUND G. BROWN JR., Attorney General
of the State of CaliforniaJAMES M. LEDAKIS
Supervising Deputy Attorney General
DIANE DE KERVOR
Deputy Attorney General

Attorneys for Complainant

ACCEPTANCE


I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Michael Fitzgerald. I understand the stipulation and the effect it will have on my Certified Public Accountant license. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the California Board of Accountancy.

DATED: _____.

TROY RANDALL BARNETT
Respondent

I have read and fully discussed with Respondent Troy Randall Barnett the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 2-13-09.



MICHAEL FITZGERALD
Attorney for Respondent

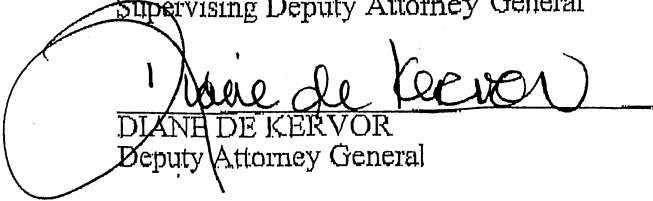
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the California Board of Accountancy of the Department of Consumer Affairs.

DATED: 2/19/2008

EDMUND G. BROWN JR., Attorney General
of the State of California

JAMES M. LEDAKIS
Supervising Deputy Attorney General



DIANE DE KERVOR
Deputy Attorney General

Attorneys for Complainant

Exhibit A

Accusation No. AC-2007-39

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
3 DIANE DE KERVOR, State Bar No. 174721
Deputy Attorney General
4 California Department of Justice
110 West "A" Street, Suite 1100
5 San Diego, CA 92101

6 P.O. Box 85266
San Diego, CA 92186-5266
7 Telephone: (619) 645-2611
Facsimile: (619) 645-2061
8
9 Attorneys for Complainant

10 **BEFORE THE**
CALIFORNIA BOARD OF ACCOUNTANCY
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. AC-2007-39

13 TROY RANDALL BARNETT
22411 Peartree Lane
14 Mission Viejo, CA 92692

15 CPA Certificate No. 78116

A C C U S A T I O N

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

- 20 1. Carol Sigmann (Complainant) brings this Accusation solely in her official
21 capacity as the Executive Officer of the California Board of Accountancy, Department of
22 Consumer Affairs.

23 2. On or about October 14, 1999, the California Board of Accountancy issued
24 Certified Public Accountant Certificate Number 78116 to Troy Randall Barnett (Respondent).
25 The Certified Public Accountant Certificate expired and Respondent did not have practice rights
26 during the period November 1, 2002 through September 24, 2003 due to continuing education
27 deficiencies. The certificate was renewed September 25, 2003 and will expire on October 31,
28 2008, unless renewed again.

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3. This Accusation is brought before the California Board of Accountancy,

"'Certified public accountant' means any person who has received from the board of certified public accountant and who holds a valid permit to practice under the provisions of this chapter."

“(a) Except as provided in subdivisions (b) and (c) of this section, in
of Section 5054, and in Section 5096.12, no person shall engage in the practice of
tancy in this state unless the person is the holder of a valid permit to practice public
ssued by the board or a holder of a practice privilege pursuant to Article 5.1
with Section 5096).”

“Except as provided in Sections 5052 and 5053, a person shall be deemed to be the practice of public accountancy within the meaning and intent of this chapter if he or she is engaged in any of the following:

“(a) Holds himself or herself out to the public in any manner as one skilled in the science, and practice of accounting, and as qualified and ready to render professional service as a public accountant for compensation.

“(b) Maintains an office for the transaction of business as a public accountant.

“(c) Offers to prospective clients to perform for compensation, or who does on behalf of clients for compensation, professional services that involve or require an examination, verification, investigation, certification, presentation, or review of financial and accounting records.

“(d) Prepares or certifies for clients reports on audits or examinations of books or account, balance sheets, and other financial, accounting and related schedules,

1 exhibits, statements, or reports that are to be used for publication, for the purpose of obtaining
2 credit, for filing with a court of law or with any governmental agency, or for any other purpose.

3 “(e) In general or as an incident to that work, renders professional services to
4 clients for compensation in any or all matters relating to accounting procedure and to the
5 recording, presentation, or certification of financial information or data.

6 “(f) Keeps books, makes trial balances, or prepares statements, makes audits, or
7 prepares reports, all as a part of bookkeeping operations for clients.

8 “(g) Prepares or signs, as the tax preparer, tax returns for clients.

9 “(h) Prepares personal financial or investment plans or provides to clients
10 products or services of others in implementation of personal financial or investment plans.

11 “(i) Provides management consulting services to clients.

12 “The activities set forth in subdivisions (f) to (i), inclusive, are "public
13 accountancy" only when performed by a certified public accountant or public accountant, as
14 defined in this chapter.

15 “A person is not engaged in the practice of public accountancy if the only services
16 he or she engages in are those defined by subdivisions (f) to (i), inclusive, and he or she does not
17 hold himself or herself out, solicit, or advertise for clients using the certified public accountant or
18 public accountant designation. A person is not holding himself or herself out, soliciting, or
19 advertising for clients within the meaning of this section solely by reason of displaying a CPA or
20 PA certificate in his or her office or identifying himself or herself as a CPA or PA on other than
21 signs, advertisements, letterhead, business cards, publications directed to clients or potential
22 clients, or financial or tax documents of a client.

23 7. Section 5055 of the Code provides:

24 “Any person who has received from the board a certificate of certified public
25 accountant may, subject to Section 5051, be styled and known as a "certified public accountant"
26 and may also use the abbreviation "C.P.A." No other person, except a firm registered under this
27 chapter, shall assume or use that title, designation, or abbreviation or any other title, designation,
28 sign, card, or device tending to indicate that the person using it is a certified public accountant.”

1 8. Section 5058.1 of the Code provides:

2 “A person or firm may not use any title or designation in connection with the
3 designation "certified public accountant" or "public accountant" that is false or misleading. The
4 board may adopt regulations covering the use of titles or designations.”

5 9. Section 5060 of the Code provides:

6 “(a) No person or firm may practice public accountancy under any name which is
7 false or misleading.

8 “(b) No person or firm may practice public accountancy under any name other
9 than the name under which the person or firm holds a valid permit to practice issued by the
10 board.

11 “(c) Notwithstanding subdivision (b), a sole proprietor may practice under a
12 name other than the name set forth on his or her permit to practice, provided the name is
13 registered by the board, is in good standing, and complies with the requirements of subdivision
14 (a).

15 “(d) The board may adopt regulations to implement, interpret, and make specific
16 the provisions of this section including, but not limited to, regulations designating particular
17 forms of names as being false or misleading.”

18 10. Section 5100 of the Code provides:

19 “After notice and hearing the board may revoke, suspend, or refuse to renew any
20 permit or certificate granted under Article 4 (commencing with Section 5070) and Article 5
21 (commencing with Section 5080), or may censure the holder of that permit or certificate for
22 unprofessional conduct that includes, but is not limited to, one or any combination of the
23 following causes:

24 “ . . . :

25 “(g) Willful violation of this chapter or any rule or regulation promulgated by the
26 board under the authority granted under this chapter.

27 “

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“(k) Embezzlement, theft, misappropriation of funds or property, or obtaining money, property, or other valuable consideration by fraudulent means or false pretenses.”

11. Section 5109 of the Code provides:

“The expiration, cancellation, forfeiture, or suspension of a license, practice, privilege, or other authority to practice public accountancy by operation of law or by order or decision of the board or a court of law, or the voluntary surrender of a license by a licensee shall not deprive the board of jurisdiction to commence or proceed with any investigation of or action or disciplinary proceeding against the licensee, or to render a decision suspending or revoking the license.”

REGULATION

12. California Code of Regulations, Title 16, section 2 provides:

“The following are titles or designations likely to be confused with the titles Certified Public Accountant and Public Accountant within the meaning of Section 5058 of the Business and Professions Code:

“(a) "Accountant," "auditor," "accounting," or "auditing," when used either singly or collectively or in conjunction with other titles.

“(b) Any other titles or designations which imply that the individual is engaged in the practice of public accountancy.”

COSTS

13. Section 5107 of the Code provides, in pertinent part:

“(a) The executive officer of the board may request the administrative law judge, as part of the proposed decision in a disciplinary proceeding, to direct any holder of a permit or certificate found to have committed a violation or violations of this chapter to pay to the board all reasonable costs of investigation and prosecution of the case, including, but not limited to, attorneys' fees. The board shall not recover costs incurred at the administrative hearing.”

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FACTS SUPPORTING CAUSES FOR DISCIPLINE

14. While Respondent was employed by Deloitte & Touche LLP/ Deloitte Tax LLP (Deloitte Tax), he advertised and provided service to his own personal practice clients using the name "Barnett & Company Certified Public Accountants" prior to his certification as a CPA, prior to the registration of this name with the Board, during a time that his certification (once issued) was not current, and using Deloitte Tax resources without the authorization of the company.

15. On or about October 14, 1999, the California Board of Accountancy issued Certified Public Accountant Certificate Number CPA 78116 to Respondent. The Certified Public Accountant Certificate expired and Respondent did not have practice rights during the period November 1, 2002 through September 24, 2003 due to continuing education deficiencies. Respondent was notified of the deficiencies in a November 22, 2002 letter from the Board.

16. The license for the firm name Barnett & Company, Inc. Certified Public Accountants was issued on May 12, 2005.

17. Respondent was employed by Deloitte Tax from June 1994 to March 2004 under an employment agreement that expressly prohibited outside employment. When management of Deloitte Tax discovered that Respondent was providing services to his own personal clients, he was warned to stop. When Respondent continued to provide services to his own personal clients, he was dismissed from his position on March 11, 2004.

18. After his dismissal, an extensive investigation at Deloitte Tax discovered that Respondent was using Deloitte Tax's computers to write engagement letters, proposals, and correspondence for his own personal clients. In addition, he used the computer system to maintain his client billing records and to produce invoices for his clients. Respondent had also been assigning Deloitte Tax's personnel to complete work associated with his own personal clients. At Respondent's request, two Deloitte Tax employees performed significant services for several of Respondent's personal clients unaware that the work was unrelated to Deloitte Tax activities. Respondent instructed the personnel to charge their time to Deloitte Tax service authorizing numbers.

1 19. From February 1996 to March 2004, Barnett invoiced his private practice
2 clients approximately \$1.3 million dollars for his services for them. Of that amount,
3 approximately \$334,083 was for nine clients for whom Respondent utilized Deloitte Tax
4 computers and personnel to perform accounting services. Respondent's assigned computer at
5 Deloitte Tax had records of Respondent's private practice clients, including 254 active clients,
6 117 inactive clients, 124 potential clients, and 14 free clients.

7 20. Respondent routinely used the firm name "Barnett & Company Certified
8 Public Accountants" on invoices, correspondence, engagement letters, proposals, and agreements
9 to provide professional services as early as November 14, 1997. Respondent's 1997
10 correspondence with his personal clients proposed services "Presented by Barnett & Company
11 Certified Public Accountants," had the letterhead "Barnett & Company Certified Public
12 Accountants," and advertised "BARNETT & COMPANY is a full service Certified Public
13 Accounting firm and a member of the American Institute of Public Accountants." Respondent
14 identified himself as a CPA and Accountant on his correspondence with his clients. All of these
15 actions took place prior to his certification as a CPA and prior to the registration of the Name
16 "Barnett & Company Certified Public Accountants" with the Board.

17 21. From 1997 to 1999, prior to Respondent's certification as a CPA, Barnett
18 & Company provided the following accounting services to its clients: tax advice, preparing tax
19 returns, compiling quarterly financial statements, and estimating tax calculations.

20 22. Invoices from 2003 reflect that Respondent continued to practice during
21 the time period November 1, 2002 and September 25, 2003 while he had no practice rights.

22 **FIRST CAUSE FOR DISCIPLINE**

23 **(Practicing Public Accountancy Without a Valid Certification)**

24 23. Respondent is subject to disciplinary action under section 5050(a) in that
25 he engaged in the practice of public accountancy, as that term is defined in section 5051, when he
26 provided tax and consulting services to California clients prior to obtaining his CPA certification
27 on October 14, 1999 and continued to practice during the time period November 1, 2002 and
28 September 25, 2003 while he had no practice rights. The facts and circumstances supporting this

1 cause for discipline are contained in paragraphs 14 to 22 above and are incorporated by reference
2 herein.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Practicing Under an Unregistered Name)**

5 24. Respondent is subject to disciplinary action under section 5060 in that he
6 provided tax and consulting services under the firm name "Barnett & Company Certified Public
7 Accountants" to California clients when this name was not registered with the Board. The facts
8 and circumstances supporting this cause for discipline are contained in paragraphs 14 to 22 above
9 and are incorporated by reference herein.

10 **THIRD CAUSE FOR DISCIPLINE**

11 **(Advertising as Certified Public Accountant Without a Valid Certification
12 and In a Confusing Manner)**

13 25. Respondent is subject to disciplinary action under sections 5055, 5058,
14 5058.1 and 5060 as well as California Code of Regulations, Title 16, section 2 in that he
15 advertised his services as a Certified Public Accountant, as that term is defined by section 5033,
16 prior to obtaining his Certified Public Accountant certification on October 14, 1999 and
17 continued to so advertise during the time period November 1, 2002 and September 25, 2003
18 while he had no valid certification to so practice. Respondent also advertised under the
19 unregistered firm name "Barnett & Company Certified Public Accountants" to California clients
20 describing it as "a full service Certified Public Accounting firm and a member of the American
21 Institute of Public Accountants" when the name had not been registered by the Board. The facts
22 and circumstances supporting this cause for discipline are contained in paragraphs 14 to 22 above
23 and are incorporated by reference herein.

24 **FOURTH CAUSE FOR DISCIPLINE**

25 **(Unprofessional Conduct - Misappropriation of Resources from Employer)**

26 26. Respondent is subject to disciplinary action for unprofessional conduct
27 under section 5100(k) in that he misappropriated the resources of his employer when he utilized
28 Deloitte Tax's computers and personnel resources to perform services for his private practice

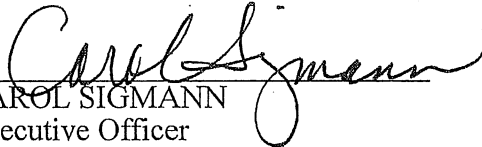
1 clients fraudulently, without the permission of Deloitte Tax, and without compensating Deloitte
2 Tax for those resources. The facts and circumstances supporting this cause for discipline are
3 contained in paragraphs 14 to 22 above and are incorporated by reference herein.

4 PRAYER

5 WHEREFORE, complainant requests that a hearing be held on the matters herein
6 alleged, and that following said hearing, the Board issue a decision:

- 7 1. Revoking, suspending or otherwise imposing discipline upon Certified Public
8 Accountant Certificate Number 78116 issued to Troy Barnett;
9 2. Awarding costs as provided by statute; and
10 3. Taking such other and further action as the Board deems proper.

11 DATED: September 14, 2007

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14 CAROL SIGMANN
15 Executive Officer
16 California Board of Accountancy
17 Department of Consumer Affairs
18 State of California
19 Complainant

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